

108TH CONGRESS
1ST SESSION

S. 311

To direct the Secretary of Transportation to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2003

Mrs. BOXER (for herself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Secretary of Transportation to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Airline
5 Missile Defense Act”.

6 **SEC. 2. REGULATIONS REQUIRING MISSILE DEFENSE SYS-**
7 **TEMS.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of enactment of this Act, the Secretary of Transpor-

1 tation shall issue regulations that require all turbojet air-
2 craft used by an air carrier for scheduled air service to
3 be equipped with a missile defense system.

4 (b) SCHEDULE FOR INSTALLATION.—The regulations
5 shall establish a schedule for the purchase and installation
6 of such systems on turbojet aircraft currently in service
7 and turbojet aircraft contracted for before the date of
8 issuance of the regulations.

9 (c) NEW AIRCRAFT.—The regulations shall also re-
10 quire that all turbojet aircraft contracted for on or after
11 the date of issuance of the regulations by an air carrier
12 for scheduled air service be equipped with a missile de-
13 fense system.

14 (d) DEADLINES FOR COMMENCEMENT OF INSTALLA-
15 TION.—The regulations shall require that installation and
16 operation of missile defense systems under the regulations
17 begin no later than December 31, 2003.

18 **SEC. 3. PURCHASE OF MISSILE DEFENSE SYSTEMS BY THE**
19 **SECRETARY.**

20 The Secretary of Transportation shall purchase and
21 make available to an air carrier such missile defense sys-
22 tems as may be necessary for the air carrier to comply
23 with the regulations issued under section 2 (other than
24 subsection (c)) with respect to turbojet aircraft used by
25 the air carrier for scheduled air service.

1 **SEC. 4. RESPONSIBILITY OF AIR CARRIER.**

2 Under the regulations issued under section 2, an air
3 carrier shall be responsible for installing and operating a
4 missile defense system purchased and made available by
5 the Secretary of Transportation under section 3.

6 **SEC. 5. PROGRESS REPORTS.**

7 Not later than January 1, 2004, and each July 1 and
8 January 1 thereafter, the Secretary of Transportation
9 shall transmit to Congress a report on the progress being
10 made in implementation of this Act, including the regula-
11 tions issued to carry out this Act.

12 **SEC. 6. INTERIM SECURITY MEASURES**

13 (a) IN GENERAL.—In order to provide interim secu-
14 rity before the deployment of missile defense systems for
15 turbojet aircraft required under section 2, the President
16 shall—

17 (1) exercise the President's authority under
18 title 32, United States Code, to elevate National
19 Guard units to Federal status for the purpose of pa-
20 trolling areas surrounding airports to protect against
21 the threat posed by missiles and other ordnance to
22 commercial aircraft; and

23 (2) deploy units of the United States Coast
24 Guard, in coordination with the Secretary of Trans-
25 portation and the Secretary of Homeland Security,
26 for the purpose of patrolling areas surrounding air-

1 ports to protect against the threat posed by missiles
 2 and other ordnance to commercial aircraft.

3 (b) PROGRESS REPORT.—Not later than 90 days
 4 after the date of enactment of this Act, the President shall
 5 submit to Congress a report on the progress being made
 6 to implement this section.

7 **SEC. 7. DEFINITIONS.**

8 In this Act, the following definitions apply:

9 (1) AIRCRAFT AND AIR CARRIER.—The terms
 10 “aircraft” and “air carrier” have the meaning such
 11 terms have under section 40102 of title 49, United
 12 States Code.

13 (2) MISSILE DEFENSE SYSTEM.—The term
 14 “missile defense system” means an appropriate (as
 15 certified by the Secretary of Transportation) elec-
 16 tronic system that would automatically—

17 (A) identify when the aircraft is threatened
 18 by an incoming missile or other ordnance;

19 (B) detect the source of the threat; and

20 (C) disrupt the guidance system of the in-
 21 coming missile or other ordnance, which is in-
 22 tended to result in the incoming missile or other
 23 ordnance being diverted off course and missing
 24 the aircraft.

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